



GCE A LEVEL MARKING SCHEME

SUMMER 2022

**A LEVEL
LAW – COMPONENT 1
A150U10-1**

INTRODUCTION

This marking scheme was used by WJEC for the 2022 examination. It was finalised after detailed discussion at examiners' conferences by all the examiners involved in the assessment. The conference was held shortly after the paper was taken so that reference could be made to the full range of candidates' responses, with photocopied scripts forming the basis of discussion. The aim of the conference was to ensure that the marking scheme was interpreted and applied in the same way by all examiners.

It is hoped that this information will be of assistance to centres but it is recognised at the same time that, without the benefit of participation in the examiners' conference, teachers may have different views on certain matters of detail or interpretation.

WJEC regrets that it cannot enter into any discussion or correspondence about this marking scheme.

GCE A LEVEL LAW

COMPONENT 1 - THE NATURE OF LAW AND THE ENGLISH LEGAL SYSTEM

SUMMER 2022 MARK SCHEME

Marking guidance for examiners

Summary of assessment objectives for Component 1

Component 1 assesses all three assessment objectives: AO1, AO2 and AO3. The assessment objectives focus on the ability to demonstrate knowledge and understanding of, the English legal system and legal rules and principles; the ability to apply legal rules and principles to given scenarios in order to present a legal argument using appropriate legal terminology; and the ability to analyse and evaluate legal rules, principles, concepts and issues respectively.

The structure of the mark scheme

The mark scheme for both Section A and Section B has two parts:

- indicative content which can be used to assess the quality of the specific response. The content is not prescriptive and candidates are not expected to mention all the material referred to. Examiners should seek to credit any further admissible evidence offered by the candidates.
- an assessment grid advising bands and associated marks that should be allocated to responses which demonstrate the characteristics needed in AO1, AO2 and AO3.

Stage 1 - Deciding on the band

Beginning at the lowest band, examiners should look at the learner's answer and check whether it matches the descriptor for that band. If the descriptor at the lowest band is satisfied, examiners should move up to the next band and repeat this process for each band until the descriptor matches the answer.

If an answer covers different aspects of different bands within the mark scheme, a 'best fit' approach should be adopted to decide on the band and then the learner's response should be used to decide on the mark within the band. For instance if a response is mainly in band 2 but with a limited amount of band 3 content, the answer would be placed in band 2, but the mark awarded would be close to the top of band 2 as a result of the band 3 content. Examiners should not seek to mark candidates down as a result of small omissions in minor areas of an answer.

- The first stage for an examiner is to use both the indicative content and the assessment grid to decide the overall band.
- The second stage is to decide how firmly the characteristics expected for that band are displayed.
- Thirdly, a mark for the question is awarded.

Stage 2 - Deciding on the mark

During standardising (marking conference), detailed advice from the Principal Examiner on the qualities of each mark band will be given. Examiners will then receive examples of answers in each mark band that have been awarded a mark by the Principal Examiner. Examiners should mark the examples and compare their marks with those of the Principal Examiner.

When marking, examiners can use these examples to decide whether a learner's response is of a superior, inferior or comparable standard to the example. Examiners are reminded of the need to revisit the answer as they apply the mark scheme in order to confirm that the band and the mark allocated is appropriate to the response provided.

Indicative content is also provided for banded mark schemes. Indicative content is not exhaustive, and any other valid points must be credited. In order to reach the highest bands of the mark scheme a learner need not cover all of the points mentioned in the indicative content but must meet the requirements of the highest mark band. Where a response is not creditworthy, that is contains nothing of any significance to the mark scheme, or where no response has been provided, no marks should be awarded.

Section A

0 1

Explain the role of the Law Commission.

[5]

Indicative content

NOTE: The content is not prescriptive and candidates are not expected to mention all the material mentioned below. Each answer will be assessed on its merits according to the assessment grid and the indicative content. Examiners should seek to credit any further admissible evidence offered by candidates.

In explaining what is meant by the purpose of the Law Commission candidates are expected to demonstrate knowledge and understanding of the English legal system and legal rules and principles underlying the purpose of the Law Commission. In demonstrating this knowledge and understanding candidates are required to focus on the specific nature of the question and not simply give a general answer on law reform.

The response might consider issues such as:

- The reasons for establishing the Law Commission, for example the need to set up a full time, independent law reform body.
- Reference to the **Law Commission Act 1965** which created the statutory independent body charged with keeping the law under review and recommending reform where it is needed.
- The main purpose of the Commission is to ensure that the law is fair, modern, simple and effective. Can suggest repeals, codification, consolidation and the creation of new legislation.
- The **Law Commission Act 2009** compels the government to give reasons why it has not implemented any proposal of the Law Commission.
- Examples of recent work showing its purpose can be utilised, for example the proposals that led to the **Criminal Justice and Courts Act 2015**.

Band	Marks	AO1: Demonstrate knowledge and understanding of the English legal system and legal rules and principles
3	4-5	<ul style="list-style-type: none"> • Excellent knowledge and understanding of the English legal system and legal rules and principles relating to the role of the Law Commission. Response is clear, detailed and fully developed.
2	2-3	<ul style="list-style-type: none"> • Good knowledge and understanding of the English legal system and legal rules and principles relating to the role of the Law Commission. Response is generally clear, detailed and developed.
1	1	<ul style="list-style-type: none"> • Basic knowledge and understanding of the English legal system and legal rules and principles relating to the role of the Law Commission. Response includes minimal detail.
	0	Response not creditworthy or not attempted.

0 2

Explain the judicial controls on delegated legislation.

[5]

Indicative content

NOTE: The content is not prescriptive and candidates are not expected to mention all the material mentioned below. Each answer will be assessed on its merits according to the assessment grid and the indicative content. Examiners should seek to credit any further admissible evidence offered by candidates.

In explaining the judicial controls on delegated legislation, candidates are expected to demonstrate knowledge and understanding of the nature of delegated legislation, focusing on the judicial controls. In demonstrating this knowledge and understanding candidates are required to focus on the specific nature of the question and not simply give a general answer on legislation.

The response might consider issues such as:

- Nature of delegated legislation as a secondary source of law.
- Challenge via judicial review on the basis the law is *ultra vires* and beyond the powers given in the enabling Act. If successful, the delegated legislation is declared void.
- Main judicial controls include:
 - Unreasonable *ultra vires* – **Associated Picture Houses v Wednesbury Corporation.**
 - Substantive *ultra vires* – **R v Home Secretary, ex parte Fire Brigades Union.**
 - Procedural *ultra vires* – **Aylesbury Mushrooms**

Band	Marks	AO1: Demonstrate knowledge and understanding of the English legal system and legal rules and principles
3	4-5	<ul style="list-style-type: none">• Excellent knowledge and understanding of the English legal system and legal rules and principles relating to the judicial controls on delegated legislation. Response is clear, detailed and fully developed.
2	2-3	<ul style="list-style-type: none">• Good knowledge and understanding of the English legal system and legal rules and principles relating the judicial controls on delegated legislation. Response is generally clear, detailed and developed.
1	1	<ul style="list-style-type: none">• Basic knowledge and understanding of the English legal system and legal rules and principles relating to judicial controls on delegated legislation. Response includes minimal detail.
	0	Response not creditworthy or not attempted.

Read the scenario below and answer the question that follows

Lowri, a 15-year-old girl died after eating a sandwich containing nut oil to which she was allergic, from a high street cafe. There was detailed food allergy information on the café's website and on the shelf where the sandwich was stored but this was not recorded on the packaging of the sandwich itself. A coroner recorded that the death was caused by 'inadequate food labelling laws'. The café was only required by law to warn Lowri orally, on signs or on packaging meaning that the café did not break the law. Lowri's parents consider this unacceptable and have been campaigning for stricter laws. The campaign is being supported by their local MP who hopes to raise the issue in Parliament.

Using the scenario above and applying your knowledge and understanding of law reform, advise Lowri's parents as to the ways in which they could try to promote reform of the law on food packaging in England. [15]

Indicative content

NOTE: The content is not prescriptive and candidates are not expected to mention all the material mentioned below. Each answer will be assessed on its merits according to the assessment grid and the indicative content. Examiners should seek to credit any further admissible evidence offered by candidates.

In advising Lowri's parents, candidates are expected to apply the full range of legal rules and principles that affect the reform of the law. In this case, candidates may apply legal rules and principles in relation to Private Members' Bill, pressure groups, petitions, the media, judges and Royal Commissions to the given scenario in order to present a legal argument using legal terminology. The response may consider issues such as:

- Advising Lowri's parents that they could set up a **pressure group** to bring about reform of the law.
- Advising Lowri's parents of the role that **Parliament and her MP** can play in reforming the law of food packaging: the majority of law reform is carried out by Parliament through repealing, creating, consolidating and codifying. This may be in pursuit of party-political agendas or may be the outcome of a **Private Member's Bill** on food packaging. Difficulties in pursuing a Private Member's Bill.
- Advising Lowri's parents that, with regard to judicial change, **judges** can reform the law through the creation of original precedent and Lowri's parents may wish to begin a legal action. This is not common as judges need to be mindful of their constitutional position. Notable examples include the cases of Diane Pretty, Debbie Purdy and Daniel James
- Members of the public such as Lowri's parents can sometimes bring about law reform by using the **media** as a vehicle. Notable examples include the Dangerous Dogs Act 1991. Possible reference to social media.
- Lowri's parents could start a **petition** (including e-petition) to try and force a debate in Parliament.
- If a **newspaper** gets behind Lowri's parents' campaign of law reform, this can be very successful to gain Parliament's attention; for example, the passing of 'Sarah's Law' which came about as a result of a campaign by the News of the World calling for the public to have access to the sex offender's register.
- A successful campaign by Lowri's parents may help to establish the setting up of a **Royal Commission** on food packaging.
- The nature of law: the reform of criminal and civil law.

Assessment Grid for Question 3

Band	Marks	AO2: Apply legal rules and principles to given scenarios in order to present a legal argument using appropriate legal terminology
4	12-15	<ul style="list-style-type: none"> • Excellent application of legal rules and principles to the situation. • Excellent presentation of a legal argument using appropriate legal terminology, case law and other legal authorities relating to the influences on law reform. The legal argument is detailed, fully developed and persuasive.
3	8-11	<ul style="list-style-type: none"> • Good application of legal rules and principles to the situation. • Good presentation of a legal argument using appropriate legal terminology, case law and other legal authorities relating to challenges to the influences on law reform. The legal argument is generally detailed, developed and persuasive.
2	4-7	<ul style="list-style-type: none"> • Adequate application of legal rules and principles to the situation. • Adequate presentation of a legal argument using some appropriate legal terminology, case law and other legal authorities relating to challenges to the influences on law reform. The legal argument includes some detail which is developed in places.
1	1-3	<ul style="list-style-type: none"> • Basic application of legal rules and principles to the situation. • Basic presentation of a legal argument using minimal legal terminology relating to challenges to the influences on law reform. The legal argument includes minimal detail.
	0	Response not creditworthy or not attempted.

Read the text below and answer the question that follows

Following an increase in fatal road traffic accidents where the defendant was under the influence of drugs, Parliament passed the **Road Traffic Drug Driving (fictitious) Act 2020**.

During the second reading of the Bill in Parliament, Ted Brown, MP, stated that he felt that so-called 'legal highs' should be included within the scope of the statute if this had contributed to the incident. Other MPs also agreed.

Section 4 of the Road Traffic Drug Driving (fictitious) Act 2020 states:

- (1) A person is guilty of an offence under this section if he:
 - (a) knowingly drives recklessly whilst under the influence of drugs, or,
 - (b) contributes to the reckless driving of another by being present at the time of the incident.
- (2) For the purpose of s.1, a person is to be considered as 'under the influence of drugs' if it is proved (through the use of a blood test) that they have illegal substances in their bloodstream at the time of the incident.
- (3) The offence is punishable by a fine of £500 and/or a driving ban for 6 months.

Morganna is driving her friend Luca home from a party. At the party, a number of their friends took legal highs at the party. Morganna took a painkiller prescribed to one of her friends as she had a headache. She knows that these tablets have an effect on her ability to concentrate. Unknown to Morganna and Luca, Luca's diet soda was spiked with a drug just before they left for the journey home. This causes Luca to act erratically and, while Morganna is driving, he grabs the steering wheel and swerves across the road. Morganna, who is unable to react quickly due to the effects of the painkiller, hits a bus shelter, hitting a pedestrian. The police are called and Luca and Morganna are charged under s.1 of the Act. Luca claims his drink was spiked with a legal high but the blood test is inconclusive.

Using your knowledge of statutory interpretation, advise Luca and Morganna as to the possible outcomes of the case. [15]

Indicative content

NOTE: The content is not prescriptive and candidates are not expected to mention all the material mentioned below. Each answer will be assessed on its merits according to the assessment grid and the indicative content. Examiners should seek to credit any further admissible evidence offered by candidates.

In advising Luca and Morganna, candidates are expected to apply the full range of legal rules and principles that affect the application of the rules of statutory interpretation to Luca and Morganna's situation. In this case candidates may apply the literal, golden, mischief and purposive rules, plus other aids of interpretation, including both intrinsic and extrinsic aids, to the given scenario in order to present a legal argument.

The response might consider issues such as:

- Applying the four rules of statutory interpretation to the scenario:
 - Literal: gives words their natural and grammatical meaning, even if the result is absurd – *Whitely v Chappel*, *Lees v Secretary of State*, *Fisher v Bell*, *London LNER v Berriman*. Application of the rule to the scenario.
 - *Morganna* has taken a substance prescribed to someone else but not ‘illegal’. Luca has contributed even though he is unaware of the substance in his bloodstream. It is unclear whether the drug is illegal or not.
 - Golden: allows words in a statute to be modified in order to avoid an absurdity or repugnant result – *Sweet v Parsley*, *Adler v George*, *Re Sigsworth*, *R v Allen*. Application of the rule to the scenario. Possible conviction of Luca under literal rule is absurd. *Morganna* being not guilty under literal also potentially absurd as she is aware of the soporific effect but not ‘illegal’.
 - Mischief: looks at the gap in the law Parliament intended to fill. Established in *Heydon’s Case*. Used in *Smith v Hughes*, *Royal College of Nursing v DHSS*, *Pepper v Hart*. Application of the rule to the scenario. Reference to *Hansard* comments regarding the purpose of the Act and the fact that legal highs should be included.
 - Purposive: looks at the ‘spirit of the law’ and looks to see what Parliament intended– *Magor v St Mellons*, *Quinatown*, *Jones v Tower Boot Company*. Application of the approach to the scenario. As above for mischief.
- Applying other methods of interpretation:
 - Intrinsic aids (short title, long title, preamble interpretation sections, margin notes)
 - Rules of Language
 - Extrinsic aids (*Hansard*, dictionaries, textbooks, Human Rights Act 1998, international conventions)
 - Presumptions

Assessment Grid for Question 4

Band	Marks	AO2: Apply legal rules and principles to given scenarios in order to present a legal argument using appropriate legal terminology
4	12-15	<ul style="list-style-type: none"> • Excellent application of legal rules and principles to Morganna and Luca's situation. • Excellent presentation of a legal argument using appropriate legal terminology, case law and other legal authorities relating to statutory interpretation. The legal argument is detailed, fully developed and persuasive.
3	8-11	<ul style="list-style-type: none"> • Good application of legal rules and principles to Morganna and Luca's situation. • Good presentation of a legal argument using appropriate legal terminology, case law and other legal authorities relating to statutory interpretation. The legal argument is generally detailed, developed and persuasive.
2	4-7	<ul style="list-style-type: none"> • Adequate application of legal rules and principles to Morganna and Luca's situation. • Adequate presentation of a legal argument using some appropriate legal terminology, case law and other legal authorities relating statutory interpretation. The legal argument includes some detail which is developed in places.
1	1-3	<ul style="list-style-type: none"> • Basic application of legal rules and principles to Morganna and Luca's situation. • Basic presentation of a legal argument using minimal legal terminology relating to statutory interpretation. The legal argument includes minimal detail.
	0	Response not creditworthy or not attempted.

Section B

0 5 (a) Explain the process of appeal for a criminal case. [10]

Indicative content

NOTE: The content is not prescriptive and candidates are not expected to mention all the material mentioned below. Each answer will be assessed on its merits according to the assessment grid and the indicative content. Examiners should seek to credit any further admissible evidence offered by candidates.

- Candidates may discuss the appellate function of the Crown Court – to hear appeals from the Magistrates’ Court.
- Queen’s Bench Division of the High Court – hears appeals by way of case stated from the Magistrates’ Court from the Crown Court where that court has heard an appeal from the Magistrates’ Court / Also hears claims for judicial review.
- Criminal Division of the Court of Appeal: hears appeals from the Crown Court against conviction and/or sentence. Appeals require leave. Not a retrial: the case is conducted by argument before usually 3 judges – (but can be as many as 6 – two judges can hear appeal against sentence). Also hears appeals by the prosecution against rulings of the Crown Court.
- Supreme Court – hears appeals on a point of law only from the Divisional Court and Court of Appeal. Leave is always required. Appeals require the court below to certify that a point of law of public importance is involved.

Assessment Grid for Question 5 (a)

Band	Marks	AO1: Demonstrate knowledge and understanding of the English legal system and legal rules and principles
4	8-10	<ul style="list-style-type: none"> • Excellent knowledge and understanding of the English legal system and legal rules and principles relating to the appeal routes for a criminal case. Response is clear, detailed and fully developed.
3	5-7	<ul style="list-style-type: none"> • Good knowledge and understanding of the English legal system and legal rules and principles relating to the appeal routes for a criminal case. Response is generally clear, detailed and developed.
2	3-4	<ul style="list-style-type: none"> • Adequate knowledge and understanding of the English legal system and legal rules and principles relating to the appeal routes for a criminal case. Response includes some detail which is developed in places.
1	1-2	<ul style="list-style-type: none"> • Basic knowledge and understanding of the English legal system and legal rules and principles relating to the appeal routes for a criminal case. Response includes minimal detail.
	0	Response not credit worthy or not attempted.

(b) Analyse and evaluate whether trial by jury should be abolished in England and Wales. [15]

Indicative content

NOTE: The content is not prescriptive and candidates are not expected to mention all the material mentioned below. Each answer will be assessed on its merits according to the assessment grid and the indicative content. Examiners should seek to credit any further admissible evidence offered by candidates.

In order to achieve the highest marks, candidates must demonstrate their ability to draw together details from pervasive areas including the rule of law, the English legal system and the nature of law.

Candidates will offer an analysis and evaluation of the legal rules, principles concepts and issues in order to analyse and evaluate whether jury trial should be abolished. In order to analyse and evaluate these aspects, candidates must understand that trial by jury is a feature of the Welsh and English legal system but is not without criticism. Overall candidates will offer a debate and come to a substantiated judgment regarding whether jury trial should be abolished in Wales and England.

The response might consider aspects such as:

Advantages of the jury system:

- Ancient institution. Lord Devlin – “lamp that shows freedom lives”
- Ordinary person participating in justice system. Magna Carta – right to be tried by one’s peers.
- Representative of society – should include members of the defendant’s class and race.
- Fair verdict rather than legally correct – R v Owen (1992) – found defendant not guilty despite evidence against him.
- Common sense decisions, impartial and based on fact.
- 12 opinions are better than 1 single judge.
- Discussions within the jury room are secret, so protected from outside influence.
- Jury not case hardened.
- Less prosecution minded.
- Concept of jury equity means that juries cannot be influenced by the judge – R v Wang (2005), R v Ponting (1985), Bushell’s Case (1670)
- Criminal Justice and Courts Act 2015 – new offences may be more of a deterrent for contemptuous behaviour.

Criticisms of the jury system:

- Jurors may not understand case presented to them – research by Middlesex University – 43% of jurors understood everything. R v Pryce (2013)
- Dominance by strong individuals. R v Alexander and Steen – “amorous juror case”
- May be taken in by experts and the appearance of legal personnel.
- Dr Penny Derbyshire – age, gender, socio economic status will affect jury verdict.
- Members of the jury can be very distressed at the evidence and in some cases may need counselling – R v West (1996)
- Difficult to research because of Contempt of Court 1981 – R v Mirza (2004).
- Contempt – R v Banks (2011), R v Fraill (2011), A-G v Davey & Beard (2013). Influence of media/internet.

- Risk of bias where police officers or legal professionals are serving on a jury – R v Abdroikov (2007), R v Khan (2008)
- We don't know how juries reach their verdicts – R v Young
- Media Influence is a strong disadvantage – R v Taylor & Taylor (1993)
- Danger of Jury Tampering – R v Twomey and others – more reliable to have judge only trial?
- Reforms / Alternatives to the jury system

Assessment Grid for Question 5(b)

Band	Marks	AO3: Analyse and evaluate legal rules, principles and concepts
4	12-15	<ul style="list-style-type: none"> • Excellent analysis of legal rules, principles and concepts relevant to the advantages and disadvantages of jury trial. Analysis is detailed with appropriate range of supporting evidence which draws together knowledge, skills and understanding. • Excellent evaluation of the success of the advantages and disadvantages of jury trial, including a valid and substantiated judgement. • Excellent citation of supporting case law and legal authorities.
3	8-11	<ul style="list-style-type: none"> • Good analysis of legal rules, principles and concepts relevant to the success of the advantages and disadvantages of jury trial. Analysis is generally detailed with appropriate range of supporting evidence. • Good evaluation of the success of the advantages and disadvantages of jury trial, including a valid judgement. • Good citation of supporting case law and legal authorities.
2	4-7	<ul style="list-style-type: none"> • Adequate analysis of legal rules, principles and concepts relevant to the success of the advantages and disadvantages of jury trial. Analysis includes some detail with some supporting evidence. • Adequate evaluation of the success of the advantages and disadvantages of jury trial, including reference to a judgement. • Adequate citation of supporting case law and legal authorities.
1	1-3	<ul style="list-style-type: none"> • Basic analysis of legal rules, principles and concepts relevant to the success of the advantages and disadvantages of jury trial. Analysis includes minimal detail. • Basic evaluation of the success of the advantages and disadvantages of jury trial. • Basic citation of supporting case law and legal authorities.
	0	Response not creditworthy or not attempted.

0	6
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(a) Explain the routes of appeal available for a civil case.

[10]

Indicative content

NOTE: The content is not prescriptive and candidates are not expected to mention all the material mentioned below. Each answer will be assessed on its merits according to the assessment grid and the indicative content. Examiners should seek to credit any further admissible evidence offered by candidates.

In explaining the civil court structure and appeal process, candidates are expected to demonstrate knowledge and understanding of legal rules and principles underlying the civil justice system. In demonstrating this knowledge and understanding, candidates are required to give an answer which is focused on the structure of the civil courts and the mechanisms for appeal.

The response might consider issues such as:

- Allocation of cases in civil law – three tracks (small claims, fast track, multi track). Role of County Courts and the Divisions of the High Court.
- Appeal lies generally to next level of judge.
- The main appellate courts are the Divisional Courts, the Court of Appeal and the Supreme Court.
- Elaboration on the role of the Divisional Courts, Court of Appeal and requirement of leave to appeal.
- The Supreme Court is the final court of appeal in England and Wales. Explanation of when appeals are permitted.
- The mechanisms available in terms of permission to appeal and the appeal routes in civil cases.

Assessment Grid for Question 6(a)

Band	Marks	AO1: Demonstrate knowledge and understanding of the English legal system and legal rules and principles
4	8-10	<ul style="list-style-type: none">• Excellent knowledge and understanding of the English legal system and legal rules and principles relating to the routes of appeal for a civil case. Response is clear, detailed and fully developed.
3	5-7	<ul style="list-style-type: none">• Good knowledge and understanding of the English legal system and legal rules and principles relating to the routes of appeal for a civil case. Response is generally clear, detailed and developed.
2	3-4	<ul style="list-style-type: none">• Adequate knowledge and understanding of the English legal system and legal rules and principles relating to the routes of appeal for a civil case. Response includes some detail which is developed in places.
1	1-2	<ul style="list-style-type: none">• Basic knowledge and understanding of the English legal system and legal rules and principles relating to the routes of appeal for a civil case. Response includes minimal detail.
	0	Response not credit worthy or not attempted.

- (b) Analyse and evaluate the effectiveness of the tribunal system in England and Wales. [15]**

Indicative content

NOTE: The content is not prescriptive and candidates are not expected to mention all the material mentioned below. Each answer will be assessed on its merits according to the assessment grid and the indicative content. Examiners should seek to credit any further admissible evidence offered by candidates. In order to achieve the highest marks, candidates must demonstrate their ability to draw together details from areas including civil courts, the English legal system and the nature of law.

Candidates will offer an analysis and evaluation of the legal rules, principles, concepts and issues in order to evaluate effectiveness of the tribunal system in Wales and England. In order to analyse and evaluate these issues, candidates may argue that the recent reforms to the tribunal system have greatly improved the service. Candidates might consider challenging this by arguing the range of key issues and concerns with the tribunal service, such as costs and representation. Overall candidates will offer a debate and come to a substantiated judgment regarding the effectiveness of the tribunal system in Wales and England.

The response might consider issues such as:

Factors that support that the service is effective:

- Cost – parties encouraged to represent themselves
- Speed – Tribunal Judges take on case management duties
- Expertise – at least one member of the tribunal will be an expert
- Informality – much less formal than court. Less intimidating
- Independence – Judicial Appointments Commission (JAC) appoint Tribunal
- Judges. Tribunal Service now unified – Leggatt Reforms

Factors that suggest the service is less effective:

- Lack of funding – some claimants cannot afford to take case to a tribunal
- Delay – particularly if the case is complex
- Intimidated parties – may want to hire legal representation which in turn increases costs
- Lack of precedent – can lead to inconsistencies and unpredictability
- Lack of openness

Assessment Grid for Question 6(b)

Band	Marks	AO3: Analyse and evaluate legal rules, principles and concepts
4	12-15	<ul style="list-style-type: none"> • Excellent analysis of legal rules, principles and concepts relevant to the effectiveness of the tribunal system. Analysis is detailed with appropriate range of supporting evidence which draws together knowledge, skills and understanding. • Excellent evaluation of the effectiveness of the tribunal system, including a valid and substantiated judgement. • Excellent citation of supporting case law and legal authorities.
3	8-11	<ul style="list-style-type: none"> • Good analysis of legal rules, principles and concepts relevant to the effectiveness of the tribunal system. Analysis is generally detailed with appropriate range of supporting evidence. • Good evaluation of the effectiveness of the tribunal system, including a valid judgement. • Good citation of supporting case law and legal authorities.
2	4-7	<ul style="list-style-type: none"> • Adequate analysis of legal rules, principles and concepts relevant to the effectiveness of the tribunal system. Analysis includes some detail with some supporting evidence. • Adequate evaluation of the effectiveness of the tribunal system, including reference to a judgement. • Adequate citation of supporting case law and legal authorities.
1	1-3	<ul style="list-style-type: none"> • Basic analysis of legal rules, principles and concepts relevant to the effectiveness of the tribunal system. Analysis includes minimal detail. • Basic evaluation of the effectiveness of the tribunal system. • Basic citation of supporting case law and legal authorities.
	0	Response not creditworthy or not attempted.